

Adopted	Rejected
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## COMMITTEE REPORT

YES:	7
NO:	4

### MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1494, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning local
- 3 government.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 36-2-21 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2005]:
- 8 **Chapter 21. Health Care Facilities**
- 9 **Sec. 1. (a) This chapter applies to a county in which a county**
- 10 **hospital operated under IC 16-22-3 is located.**
- 11 **(b) This chapter does not apply to the following:**
- 12 **(1) A health care facility that maintained the facility's**
- 13 **principal premises in the county before the adoption of an**
- 14 **ordinance under section 4(a) of this chapter and the facility's**

principal premises remains in the county continuously while the ordinance is in effect.

(2) A health care facility that begins construction before an ordinance adopted under section 4(a) of this chapter becomes effective.

(3) A mobile vehicle or trailer used by a health care facility to provide health care services that is leased under a binding agreement for at least twelve (12) months or purchased before the time an ordinance under section 4(a) of this chapter becomes effective.

**Sec. 2. As used in this chapter "health care facility" means:**

(1) A hospital licensed under IC 16-21.

(2) A private psychiatric institution licensed under IC 12-25-1.

(3) An ambulatory outpatient surgical center licensed under IC 16-21.

(4) Except for a health facility licensed under IC 16-28 or a hospital licensed under IC 16-22, a facility that provides health care services and is licensed by the state department of health.

(5) Except for a health facility licensed under IC 16-28 or a hospital licensed under IC 16-22, a health care facility that provides health care services and that exceeds:

(A) two hundred thousand dollars (\$200,000) in planned construction costs; or

(B) one thousand five hundred (1,500) square feet.

The term includes a mobile vehicle or trailer used by the health care facility to provide health care services.

**Sec. 3. As used in this chapter "health care services" means any care, treatment, service, or procedure provided by a health care facility to maintain, assess, diagnose, stabilize, or treat an individual's physical or mental condition.**

**Sec. 4. (a) A county executive may adopt an ordinance that requires a health care facility to obtain:**

(1) the county executive's; or

(2) subject to section 7(a) of this chapter, the county fiscal body's;

approval before building a new health care facility in the county.

The ordinance may limit the type of health care facilities or the

1 types of expansion that require approval.

2 (b) An ordinance adopted under subsection (a) must include the  
3 following:

4 (1) An application procedure. The ordinance may require a  
5 reasonable application fee sufficient to defray administrative  
6 costs.

7 (2) Procedures that allow the public and interested parties to  
8 testify at a public hearing.

9 Sec. 5. To the extent that information is available, the following  
10 factors must be considered when determining the approval or  
11 disapproval of an application for a new health care facility:

12 (1) The impact of the new health care facility on the county  
13 residents' ability to access new and high quality health care  
14 services.

15 (2) The current availability of alternative, less costly, or more  
16 effective means to satisfy the goals of the new health care  
17 facility.

18 (3) The immediate and long term financial feasibility of the  
19 new health care facility.

20 (4) The impact of the new health care facility on health care  
21 costs and charges for other health care facilities in the county.

22 (5) The fiscal impact on other health care facilities in the  
23 county.

24 (6) The availability of resources for the new health care  
25 facility, including management and personnel.

26 (7) The new health care facility's economic impact in the  
27 county, including the creation of new jobs.

28 (8) The capacity of health care facilities located in the county  
29 to improve the quality of health care services and to respond  
30 to customer preferences.

31 (9) The effect of competition on the efficient use of health care  
32 resources and providing quality health care.

33 (10) The contribution of the new health care facility in serving  
34 the county's medically underserved population, including low  
35 income persons, minorities, the disabled, and the elderly.

36 Sec. 6. The county executive shall publish notice of the hearing  
37 at least one (1) time at least ten (10) days before the hearing. The  
38 notice must meet the standards specified for public notices in

1       **IC 5-3-1.**

2           **Sec. 7. (a) If a majority of the members of the county executive**  
3       **serve as members of the county hospital governing board, then the**  
4       **county fiscal body shall vote to approve or disapprove an**  
5       **application presented under this chapter.**

6           **(b) A member of the county executive or the county fiscal body**  
7       **who is a member of the county hospital governing board may not**  
8       **vote on an application presented under this chapter.**

9           **Sec. 8. Unless the county executive violates this chapter, the**  
10       **county executive's approval or disapproval of an application under**  
11       **this chapter is not subject to judicial review.**

(Reference is to HB 1494 as introduced.)

**and when so amended that said bill do pass.**

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Representative Becker